

CHARTER

INLAND WATERWAYS USERS BOARD

1. Committee's Official Designation: The Committee shall be known as the Inland Waterways Users Board (hereafter referred to as "the Board").
2. Authority: The Secretary of Defense, under the provision of 33 U.S.C. § 2251, the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR §102-3.50(a) (authorized by law), established the Board.
3. Objectives and Scope of Activities: The Board shall provide independent advice and recommendations on matters relating to the U.S. inland waterways and inland harbors, as set out in (4) below.
4. Description of Duties: The Board shall provide the Secretary of Defense, through the Secretary of the Army and the Assistant Secretary of the Army for Civil Works, independent advice and recommendations on matters relating to construction and rehabilitation priorities and spending levels on the commercial navigation features and components of the U.S. inland waterways and inland harbors as defined in Public Law 95-502 and amended by Public Law 99-662.

According to 33 U.S.C. § 2251b, the Board shall annually file their recommendations with the Secretary of the Army and with Congress; the Secretary of the Army, pursuant to DoD policy, may act upon the Board's advice and recommendations.

5. Agency or Official to Whom the Committee Reports: The Board shall report to the Secretary of Defense through the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers.
6. Support: The Department of Defense, through the Department of the Army, shall provide support as deemed necessary for the Board's functions, and shall ensure compliance with the requirements of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b) (hereafter referred to as "the Sunshine Act"), and governing federal regulations and DoD policies.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating costs, to include travel costs and meeting and contract support, are approximately \$425,000. The estimated annual personnel cost to the Department of Defense is 2.8 full-time equivalents (FTEs).
8. Designated Federal Officer: The Board's Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with governing DoD policies and procedures.

The Board's Designated Federal Officer is required to be in attendance at all Board and subcommittee meetings for the entire duration of each and every meeting. However, in the absence of the Board's Designated Federal Officer, an Alternate Designated Federal Officer, duly appointed according to DoD policies and procedures, shall attend the entire duration of the Board or subcommittee meetings.

The Designated Federal, or the Alternate Designated Federal Officer, shall call all of the Board's and authorized subcommittee's meetings; prepare and approve all meeting agendas; and adjourn any meeting, when the Designated Federal Officer, or the Alternate Designated Federal Officer, determines adjournment to be in the public's interest or required by governing regulations or DoD policies/procedures.

9. Estimated Number and Frequency of Meetings: Pursuant to 33 U.S.C. § 2251(b), the Board shall meet at least semi-annually.
10. Duration: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
11. Termination: Upon rescinding of 33 U.S.C. § 2251(b).
12. Membership and Designation: Board members, as determined by the Department of Defense, shall be representative members and, pursuant to 33 U.S.C. § 2251(a), the Board shall be composed of eleven members.

Based upon the Secretary of the Army's recommendation, the Secretary of Defense shall invite primary commercial users and shippers of the inland and intracoastal waterways to serve on the Board. Commercial users and shippers invited to serve on the Board shall designate an individual to represent the organization's interests.

The Department of Defense, when considering prospective users and shippers to be represented on the Board, shall ensure selections represent various regions of the country and a spectrum of the primary users and shippers utilizing the inland and intracoastal waterways for commercial purposes. Due consideration shall be given to assure a balance among the members based on the ton-mile shipments of the various categories of commodities shipped on inland and intracoastal waterways.

A primary user or shipper may be represented on the Board, at the request of the Secretary of the Army and with the approval of the Secretary of Defense, for a two-year term of service with annual renewals. A user or shipper may be represented on the Board no more than two terms of service (four years); a user or shipper may be subsequently represented on the Board, but only after being off the Board for at least two years.

In addition to the primary users and shippers invited by the Secretary of Defense, the Secretary of the Army shall designate, and the Secretaries of Agriculture, Transportation and Commerce may each designate a representative to act as an observer of the Board. These observers, who have no voting rights, shall be full-time or permanent part-time employees of his or her respective agency.

Pursuant to 33 U.S.C. § 2251(a), the Secretary of the Army shall designate one Board member to serve as the Board's Chairperson. With the exception of travel and per diem for official travel, all Board members shall serve without compensation.

13. Subcommittees: With DoD approval and according to DoD policies and procedures, the Board, consistent with its mission, is authorized to establish subcommittees, task groups, or working groups to support the Board.

These subcommittees or working groups shall operate under the provisions of FACA, the Sunshine Act, and other governing Federal statutes and regulations, and governing DoD policies and procedures.

Such subcommittees or task groups shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Board; nor can any subcommittee or its members update or report directly to the Department of Defense or any Federal officers or employees.

All subcommittee members shall be appointed in the same manner as the Board members; that is, the Secretary of Defense shall appoint subcommittee members even if the member in question is already a Board member. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the subcommittee of two years; however, no member shall serve more than two consecutive terms of service on the subcommittee.

With the exception of travel and per diem for official travel, subcommittee members shall serve without compensation.

14. Recordkeeping: The records of the Board and its subcommittees shall be handled according to section 2, General Record Schedule 26 and appropriate Department of Defense policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. §552, as amended).
15. Filing Date: March 21, 2011
16. Amended: April 12, 2012